HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.Nos.20986 & 20987 of 2006

Date : 11-10-2006

Between:

Siripurapu Apparao s/o.Guruvulu
and others .. Petitioners

and

District Collector,
West Godavari,
Eluru, West Godavari District
and others .. Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.Nos.20986 & 20987 of 2006

COMMON ORDER:

W.P.No.20986/2006 is filed for a writ of mandamus declaring the impugned notices i.e.,R.O.C.No.887/2005/G1/28, R.O.C.No.887/2005/G1/18, R.O.C.No.887/2005/G1/23, R.O.C.No.887/2005/G1/20, R.O.C.No.887/2005/G1/24, R.O.C.No.887/2005/G1/26, R.O.C.No.887/2005/G1/29, R.O.C.No.887/2005/G1/19-2, R.O.C.No.887/2005/G1/30, R.O.C.No.887/2005/G1/32, R.O.C.No.887/2005/G1/15, R.O.C.No.887/2005/G1/27, R.O.C.No.887/2005/G1/27, R.O.C.No.887/2005/G1/21 and R.O.C.No.887/2005/G1/17, dated 8-9-2006 issued by the 2nd respondent to the petitioners respectively and the consequential action of the 2nd respondent in resorting to evict the petitioners by demolishing their houses situate in R.S.No.69 of Shantinagar of Eluru Municipal Corporation is illegal, arbitrary, malafide and violation of Section 406 of the Municipal Corporation Act and in violation of principles of natural justice and also offending Articles 14 and 21 of the Constitution of India and to quash the same in the interest of justice and to pass such other suitable orders.

W.P.No.20987/2006 is filed for a writ of mandamus declaring the impugned notices in R.O.C.No.887/2005/G1/9, R.O.C.No.887/2005/G1/33, R.O.C.No.887/2005/G1/2, R.O.C.No.887/2005/G1/5-1, R.O.C.No.887/2005/G1/8, R.O.C.No.887/2005/G1/6, R.O.C.No.887/2005/G1/7, R.O.C.No.887/2005/G1/5-2, R.O.C.No.887/2005/G1/25, R.O.C.No.887/2005/G1/41, R.O.C.No.887/2005/G1/31, R.O.C.No.887/2005/G1/22, R.O.C.No.887/2005/G1/43 and

R.O.C.No.887/2005/G1/42, dated 8-9-2006 issued by the 2nd respondent to the petitioners respectively and the consequential action of the 2nd respondent in resorting to evict the petitioners by demolishing their houses situate in R.S.No.69 of Shantinagar of Eluru Municipal Corporation as illegal, arbitrary, mala fide and in violation of Section 406 of the Municipal Corporation Act and principles of natural justice and also offending Articles 14 and 21 of the Constitution of India and consequently to quash the same in the interest of justice and to pass such other suitable orders.

Several factual details had been narrated and it is stated that the Municipal Corporation, Eluru issued notices on 8-9-2006 under Section 402 r/w. Section 405 of Hyderabad Municipal Corporation Act to the petitioners directing them to remove the houses constructed by them at their own expenditure and vacate the same in R.S.No.69, Shantinagar within a period of seven days. It is stated that the said notices were served upon them on 4-10-2006. The stand taken by the writ petitioners is that though the prior Writ Petition i.e., W.P.No.15331/2005 was disposed of by this Court directing the respondents not to resort to the demolition activity of the houses in question except by following the due process of law, without affording any opportunity to file objections, notices of this nature had been issued and hence the said notices cannot be sustained.

In view of the facts and circumstances the 2nd respondent-Corporation to treat these notices as show cause notices and give opportunity to the writ petitioners to file their objections if any, within a period of two weeks from today and the 2nd respondent-Commissioner, Eluru Municipal Corporation, West Godavari District, to consider such objections and take appropriate decision at the earliest point of time and

till the said exercise is made, status-quo obtaining as on today to be maintained.

The Writ Petitions are accordingly disposed of. No costs.

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Justice P.S.Narayana

Date : 11-10-2006

Note:
Communicate the operation
portion of the order by
wire at parties costs.

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